2871

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shunpei Yamazaki, et al. Art Unit : 2871
Serial No. : 09/686,653 Examiner : Mihn Ton
Filed : October 10, 2000
Title : LIQUID CRYSTAL DISPLAY AND METHOD OF DRIVING SAME

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF MARCH 19, 2004

In response to the Action of March 19, 2004, please consider the following remarks.

Claims 1, 3-7, 9-13, 15-19, 21-26, 28-34, 37, 39, 40, 43, 46, 47, 49-52, and 55-60 are pending, with claims 1, 7, 13, 19, 25 and 40 being independent, and claims 2, 8, 14, 20, 27, 35, 36, 38, 41, 42, 44, 45, 48, 53 and 54 having been previously cancelled.

Claims 1, 3-7, 9-13, 15-19, 25, 26, 28-34, 37, 39, 40, 43, 46, 47, 49-52, and 55-60 are rejected for obviousness-type double patenting in view of claims 1-15 of U.S. Patent No. 6,246,453 (the '453 patent). Applicant requests reconsideration and withdrawal of this rejection for the reasons noted below.

The pending claims are directed to a method of driving a reflective-type LCD device. In contrast, the claims of the '453 patent are directed to an LCD device. As Applicant has pointed out in prior responses (see, e.g., the Amendment filed May 9, 2003), an obviousness-type double patenting rejection is only proper where the pending claims would have been obvious from the claims of the cited patent. Here, the pending claims are directed to a "method of driving" an LCD device, and nothing in claims 1-15 of the '453 patent suggest modifying the LCD device recited therein to perform the recited method for driving an LCD device.

Although Applicant has made this argument previously without response from the Examiner, the present Office Action now takes the position that "the recitation 'method of driving' has not been given patentable weight because the recitation occurs in the preamble" (see Office Action, page 3, lines 1-5). In response, Applicant respectfully submits that a recitation of driving an LCD device does, in fact, occur within the body of independent claims 1, 7, 13, 19, 25

and 40. For example, independent claims 1, 7, 13, 19, and 25 recite a method(s) that include producing a parallel electric field between first and second electrodes, and driving the liquid crystal material by the parallel electric field such that the liquid crystal material is oriented in a hybrid alignment nematic mode. Independent claim 40 recites (emphasis added) "generating an electric field generated between the display and common electrodes, and driving the liquid crystal material by the electric field."

Therefore, Applicant respectfully requests that the method(s) of independent claims 1, 7, 13, 19, 25, and 40 be considered as such for purposes of patentability. As a result, Applicant submits that these method claims distinguish over the device claims 1-15 of the '453 patent, since no prima facie case of obviousness has been made for modifying the device(s) recited in claims 1-15 of the '453 patent to perform the claimed method(s) of driving an LCD device, as recited in at least independent claims 1, 7, 13, 19, 25, and 40. Specifically, since the present double-patenting rejection does not disclose or properly suggest the claimed "method of driving," including the features set forth above, Applicant submits that the rejection does not properly suggest all of the features recited in at least independent claims 1, 7, 13, 19, 25, and 40.

Further, as pointed out on multiple occasions in Applicant's previous responses, the Examiner has admitted that the various claim elements discussed above with respect to independent claims 1, 7, 13, 19, 25, and 40 are not disclosed by claims 1-15 of the '453 patent, but has taken official notice that such claim elements are advantageous, and, from this, has concluded that it would have been obvious to modify claims 1-15 of the '453 patent to arrive at the pending claims.

Applicant respectfully submits again that this line of reasoning is insufficient for a number of reasons. Applicant previously challenged the Examiner's taking of Official Notice in the responses filed May 7, 2002 and October 15, 2002. In response, the Examiner stated in the Office Action dated January 7, 2003, that Applicant has not specifically pointed out the noticed fact that is not considered to be common knowledge in the art.

In response to this, Applicant noted in the Amendment filed January 20, 2004 that, at a minimum, the noticed facts have not been established as having been known at the time of the

invention. Moreover, even taking the noticed statement of advantageous features at face value, the rejections do disclose a reasonable expectation of success, at the time of the invention, of modifying claims 1-15 of the '453 patent in the manner noticed.

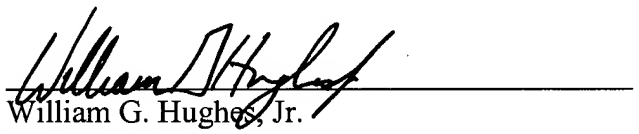
Accordingly, Applicant again respectfully requests that, in the case that a Notice of Allowance is not immediately issued, the Examiner provide documentary evidence of the noticed facts in the next official communication that is issued. As noted, Applicant has previously requested such evidence, but has not yet received a response to this request.

Based on the above, all pending claims are believed to be in condition for allowance, and such action is hereby requested in the Examiner's next official communication.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: June 21, 2004



William G. Hughes, Jr.
Reg. No. 46,112

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

bef28307.doc